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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,691

Applicant(s)

MESSNER ET AL

Examiner

John L Young

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/9/2004.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

NON-FINAL REJECTION

DRAWINGS

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS - 35 U.S.C. §101

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process,
machine, manufacture, or composition of matter or any new and
useful improvement thereof, may obtain a patent therefore,
subject to the conditions and requirements of this title.

2. Claims 13-19 are rejected under 35 U.S.C. 101, because said claim is directed to non-statutory subject matter.

As per claim 13, as drafted said claim is not limited by language within the technological arts (see *In re Waldbaum*, 173 USPQ 430 (CCPA 1972); *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974) also see

MPEP 2106 IV 2(b) even though said claim is limited by language to a useful, concrete and tangible application (See *State Street v. Signature financial Group*, 149 F.3d at 1374-75, 47 USPQ 2d at 1602 (Fed Cir. 1998); *AT&T Corp. v. Excel*, 50 USPQ 2d 1447, 1452 (Fed. Cir. 1999)

Note: it is well settled in the law that "[although] a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claims that are not recited in the claims." (See MPEP 2173.05(q)).

Claims 14-19 are rejected pursuant to 35 U.S.C. 101 for substantially the same reasons as claim 13.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. §103(a) as being obvious over Jovicic 5,855,007 (Dec. 29, 1998) (herein referred to as ("Jovicic").

As per independent claim 1, Jovicic (col. 5, ll. 22-45) shows "*other communication devices, such as personal communicators coupled to a public computer network through wireless transmissions are contemplated within the scope of the present invention.*"

Jovicic (col. 11, ll. 12-35) shows "*an electronic coupon verification and redemption system according to the preferred embodiment of the present invention. . . . In the preferred embodiment of the present invention, the redemption center's computing device is coupled with Internet Coupon Server's . . . through communication network, such as [a] wireless network.*"

Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) explicitly teaches an "*electronic coupon. . . .*" managed in a "*wireless network.*"

Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-

40) shows "A coupon deliver and wireless redemption system comprising: a coupon service provider coupled to a wide area network; a wireless network coupled to said wide area network; a merchant coupled to said coupon service provider and comprising a wireless receiver coupled to a redemption device; wherein an electronic coupon is delivered to a transportable communication unit from said coupon service provider via said wide area network and said wireless network, a tender of said coupon by said transportable communication unit made via said wireless receiver is conveyed to said coupon service provider, and an approval to redeem said coupon is conveyed from said coupon service provider to said redemption device.

Jovicic lacks an explicit recitation of some of the wireless networking coupon redemption elements of claim 1, even though Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows wireless networking coupon redemption capability and devices; and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing wireless networking coupon redemption capability and devices, because modification and interpretation of the cited

disclosure of Jovicic would have provided *“a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet,”* (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic *“whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .”* (see Jovicic (col. 2, ll. 20-40)).

As per claims 2-3, Jovicic shows the system of claim 1.

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 2-3.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 2-3, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 2-3 were well known and expected in the art at the time of the invention. It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-

67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 2-3, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claims 2-3 because modification and interpretation of the cited disclosure of Jovicic would have provided “*a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .*” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “*whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .*” (see Jovicic (col. 2, ll. 20-40)).

Independent claim 4 is rejected for substantially the same reasons as independent claim 1.

As per claim 5, Jovicic shows the system of claim 4.

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claim 5.

Jovicic lacks an explicit recitation of some of the elements and limitations of claim 5, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45;

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col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claim 5 were well known and expected in the art at the time of the invention. It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claim 5, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claim 5 because modification and interpretation of the cited disclosure of Jovicic would have provided “a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .” (see Jovicic (col. 2, ll. 20-40)).

Independent claim 6 is rejected for substantially the same reasons as independent claim 1.

Independent claim 7 is rejected for substantially the same reasons as independent claim 1.

As per claims 8-12, Jovicic shows the system of claim 7.

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 8-12.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 8-12, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 8-12 were well known and expected in the art at the time of the invention. It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 8-12, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claims 8-12

because modification and interpretation of the cited disclosure of Jovicic would have provided “a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .” (see Jovicic (col. 2, ll. 20-40)).

As per independent claim 13, Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) explicitly teaches an “*electronic coupon. . . .*”

Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows “A method of establishing and redeeming coupons, comprising the steps of: conveying coupon parameters for use in providing a coupon to a user; receiving a request for coupon redemption, said request including at least a portion of said coupon parameters as coupon information; obtaining an approval of said request for coupon redemption based upon a match of said coupon information and a respective portion of said coupon parameters; and adjusting a price in response to said approval obtained in said obtaining step.”

Jovicic lacks an explicit recitation of some of the price adjustment elements of claim 13, even though Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows price adjustment elements; and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing price adjustment elements, because modification and interpretation of the cited disclosure of Jovicic would have provided “*a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .*” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “*whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .*” (see Jovicic (col. 2, ll. 20-40)).

As per claims 14-19, Jovicic shows the system of claim 13.

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67;

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col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 14-19.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 14-19, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 14-19 were well known and expected in the art at the time of the invention. It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 14-19, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claims 14-19 because modification and interpretation of the cited disclosure of Jovicic would have provided “a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .” (see Jovicic (col. 2, ll. 20-40)).

As per independent claim 20, Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) explicitly teaches an “*electronic coupon. . .*”

Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows “A method of electronically obtaining and redeeming coupons in a transportable communication unit . . . storing said electronic coupon; providing a human perceptible reproduction of said stored electronic coupon; accepting a user’s input to tender said electronic coupon for redemption; and transmitting said electronic coupon to a merchant’s redemption device in response to said accepting step.”

Jovicic lacks an explicit recitation of the “content-subsidizing advertisement” elements of claim 20, even though Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67;

col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows content-subsidizing elements; and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing price adjustment elements, because modification and interpretation of the cited disclosure of Jovicic would have provided “*a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .*” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “*whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .*” (see Jovicic (col. 2, ll. 20-40)).

As per claims 21-23, Jovicic shows the method of claim 20.

Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows all of the elements and limitations of claims 21-23.

Jovicic lacks an explicit recitation of some of the elements and limitations of claims 21-23, even though Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 21-23 were well known and expected in the art at the time of the

invention. It would have been obvious at the time of the invention to a person of ordinary skill in the art that the disclosure of Jovicic (FIG. 1; FIG. 3; FIG. 4; FIG. 6; the ABSTRACT; FIG. 4; FIG. 6; FIG. 7; FIG. 9; col. 2, ll. 20-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 22-45; col. 6, ll. 4-67; col. 7, ll. 20-67; col. 8, ll. 1-55; col. 9, ll. 10-38; col. 9, ll. 52-67; col. 10, ll. 1-67; and col. 11, ll. 1-40) implicitly shows the elements and limitations of claims 21-23, and it would have been obvious to modify and interpret the disclosure of Jovicic cited above as showing the elements and limitations of claims 21-23 because modification and interpretation of the cited disclosure of Jovicic would have provided “*a unique electronic redeemable coupon generating and redemption system and method using public computer networks such as the Internet, . . .*” (see Jovicic (col. 2, ll. 20-25)) based on the motivation to modify Jovicic “*whereby a consumer significantly decreases the amount of time and effort expended in locating, clipping and assembling of coupons. . . .*” (see Jovicic (col. 2, ll. 20-40)).

CONCLUSION

4. Any response to this action should be mailed to:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)

305-3900.

John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

August 9, 2004